

BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: February 27, 2024

SUBJECT **COMMITTEE REPORT, BOARD MEETING**
Tuesday, February 27, 2024

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, February 27, 2024. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, February 26, 2024, at 1:30 p.m., by the votes indicated.

BOS Item No. 33 File No. 231080

[Planning Code - Fleet Charging]

Ordinance amending the Planning Code to require Conditional Use authorization for converting Private Parking Lots or Vehicle Storage Lots to Fleet Charging in all PDR (Production, Distribution, and Repair) Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar – Aye
Supervisor Dean Preston – Aye
Supervisor Aaron Peskin – Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

File No. 231080

Committee Item No. 8

Board Item No. 33

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: February 26, 2024

Board of Supervisors Meeting:

Date: February 27, 2024

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance - VERSION 2 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest - VERSION 2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract / DRAFT Mills Act Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Transmittal Package – January 23, 2024</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination – October 31, 2023</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Report Request Memo – February 21, 2024</u> |
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Prepared by: John Carroll

Date: February 23, 2024

Prepared by: John Carroll

Date: February 27, 2024

Prepared by: _____

Date: _____

1 [Planning Code - Fleet Charging]

2

3 **Ordinance amending the Planning Code to require Conditional Use authorization for**
4 **converting Private Parking Lots or Vehicle Storage Lots to Fleet Charging in all PDR**
5 **(Production, Distribution and Repair) Districts; affirming the Planning Department’s**
6 **determination under the California Environmental Quality Act; and making findings of**
7 **consistency with the General Plan, and the eight priority policies of Planning Code,**
8 **Section 101.1, and findings of public necessity, convenience, and welfare under**
9 **Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

14

15 Be it ordained by the People of the City and County of San Francisco:

16

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. 231080 and is incorporated herein by reference. The Board affirms
22 this determination.

23 (b) On January 11, 2024, the Planning Commission, in Resolution No. 21481,
24 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
25 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
 2 the Board of Supervisors in File No. 231080, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
 4 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
 5 Planning Commission Resolution No. 21481, and incorporates such reasons by this reference
 6 thereto. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File
 7 No. 231080, and is incorporated herein by reference.

8
 9 Section 2. The Planning Code is hereby amended by revising Section 210.3 to read as
 10 follows:

11 **SEC. 210.3. PDR DISTRICTS.**

12 * * * *

13 **Table 210.3**

14 **ZONING CONTROL TABLE FOR PDR DISTRICTS**

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
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17 * * * *

NON-RESIDENTIAL STANDARDS AND USES					
* * * *					
Automotive Use Category					
* * * *					
Fleet Charging	§ 102	C	C(24) (24)	C(24) (24)	C(24) (24)

24 * * * *

1 ~~(24) P where existing use is a Private Parking Lot or Vehicle Storage Lot.~~

2 (24) P where existing use is a Private Parking Lot or Vehicle Storage Lot, and where a
3 Development Application to convert the Private Parking Lot or Vehicle Storage Lot to Fleet
4 Charging use was submitted prior to January 11, 2024, subject to the notification and review
5 procedures required by Section 311.

6

7 Section 3. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor’s veto of the ordinance.

11

12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the “Note” that appears under
17 the official title of the ordinance.

18

19

20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

22 By: /s/ Robb Kapla
23 ROBB KAPLA
24 Deputy City Attorney

25 n:\legana\as2024\2100505\01738293.docx

REVISED. LEGISLATIVE DIGEST
(Amended in Committee – February 26, 2024)

[Planning Code - Fleet Charging]

Ordinance amending the Planning Code to require Conditional Use authorization for converting Private Parking Lots or Vehicle Storage Lots to Fleet Charging in all PDR (Production, Distribution and Repair) Districts; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Fleet Charging generally requires a Conditional Use authorization in all PDR districts. There is an exception that applies only within PDR-1-D, PDR-1-G, and PDR-2 that makes Fleet Charging permitted as of right where the existing or former use is a Private Parking Lot or Vehicle Storage Lot.

Amendments to Current Law

The Proposed Legislation sunsets the conversion exception as of January 11, 2024. Applications for Fleet Charging submitted on or after that date within these three districts will require a Conditional Use authorization in all PDR districts regardless of the existing or former use of the site.

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January 23, 2024

Ms. Angela Calvillo, Clerk
Honorable Supervisor Peskin
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2023-010059PCA:
Fleet Charging
Board File No. 231080

Planning Commission Recommendation: Approval

Dear Ms. Calvillo and President Peskin,

On January 11, 2024, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Peskin that would amend the Planning Code to require Conditional Use authorization for converting Private Parking Lots or Vehicle Storage Lots to Fleet Charging in all PDR (Production, Distribution, and Repair) Districts. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc: **Robb Kapla**, Deputy City Attorney
Sunny Angulo, Aide to Supervisor Peskin
John Carroll, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution

Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21481

HEARING DATE: JANUARY 11, 2024

Project Name: Fleet Charging
Case Number: 2023-010059PCA [[Board File No. 231080](#)]
Initiated by: Supervisor Peskin / Introduced October 17, 2023
Staff Contact: Joseph Sacchi, Legislative Affairs
 Joseph.Sacchi@sfgov.org, 628-652-7308
Reviewed by: Aaron Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REQUIRE CONDITIONAL USE AUTHORIZATION FOR CONVERTING PRIVATE PARKING LOTS OR VEHICLE STORAGE LOTS TO FLEET CHARGING IN ALL PDR (PRODUCTION, DISTRIBUTION, AND REPAIR) DISTRICTS; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on October 17, 2023, Supervisor Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 231080, which would amend the Planning Code to require Conditional Use authorization for converting Private Parking Lots or Vehicle Storage Lots to Fleet Charging in all PDR (Production, Distribution, and Repair) Districts; and,

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 11, 2024 ; and,

WHEREAS, the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment; and,

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission supports the proposed ordinance because it creates a standardized review process with a consistent degree of scrutiny for all Fleet Charging projects. The proposed change would not alter where Fleet Charging is a conditionally permitted use, applies to a limited number of sites, and importantly closes a potential procedural loophole.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

TRANSPORTATION ELEMENT

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

POLICY 1.2

Ensure the safety and comfort of pedestrians throughout the city.

POLICY 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The proposed ordinance ensures that new fleet charging facilities will be reviewed to ensure that pedestrian safety and comfort can be considered prior to approval. This is consistent with the policy of giving priority to public transit and other alternatives to the private automobile.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

The proposed Ordinance will facilitate the establishment of Fleet Charging according to existing land use patterns and controls. Better regulations for these uses will provide substantial net benefits for the city, while minimizing any undesirable consequences.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The proposed Ordinance allows new commercial activity, Fleet Charging, with controls that are appropriate for each district. This added commercial activity will help the city meet its Climate Change Goals and maintain a favorable social and cultural climate in San Francisco. This enhances San Francisco as a location for firms.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident

employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

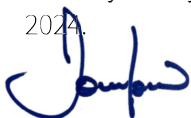
The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 11, 2024.



Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2024.01.19 13:36:15
-08'00'

Jonas P. Ionin
Commission Secretary

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: January 11, 2024



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: January 11, 2024

90-Day Deadline: January 29, 2024

Project Name: Fleet Charging
Case Number: 2023-010059PCA [[Board File No. 231080](#)]
Initiated by: Supervisor Peskin / Introduced October 17, 2023
Staff Contact: Joseph Sacchi, Legislative Affairs
Joseph.Sacchi@sfgov.org, 628-652-7308
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533
Environmental Review: Not a Project Under CEQA

Recommendation: Approval

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to require Conditional Use authorization for converting Private Parking Lots or Vehicle Storage Lots to Fleet Charging in all PDR (Production, Distribution, and Repair) Districts.

The Way It Is Now	The Way It Would Be
Generally, Fleet Charging requires Conditional Use authorization in the zoning districts where the use is allowed. However, in PDR-1-D, PDR-1-G, and PDR-2 Districts, Fleet Charging is principally permitted where the existing use is a Private Parking Lot or Vehicle Storage Lot.	Fleet Charging uses in PDR-1-D, PDR-1-G, and PDR-2 Districts would require Conditional Use authorization, including where the existing use is a Private Parking Lot or Vehicle Storage Lot.

Background

“Fleet Charging” was first defined and independently controlled as a discrete land use in September of 2022 by the Electric Vehicle (EV) Charging Locations Ordinance (Ordinance No. 190-22)¹. Per the approved ordinance, Fleet Charging generally requires Conditional Use authorization in the Zoning Districts where it is allowed; but within PDR Districts (except PDR-1-B), properties where the existing use is a Private Parking Lot or Vehicle Storage Lot may be converted to Fleet Charging as of right.

In November 2022, the Planning Commission considered a duplicate of the EV Charging Locations Ordinance, which proposed amendments to the Planning Code to include new Conditional Use criteria for Fleet Charging projects and require Conditional Use authorization for Fleet Charging in PDR Districts regardless of the existing use [[Board File No. 220851](#)]. At the hearing, Commissioners raised concerns regarding the concentration of Fleet Charging uses in a small number of districts. However, lacking a longer history of Fleet Charging application data to draw from, Commissioners also highlighted the need to monitor and learn from future application patterns prior to formulating new geographic criteria or controls. After discussion, the Commission recommended approval with modifications as follows:

1. Remove proposed CU Criterion 1 and proposed CU Criterion 3
2. Principally Permit Fleet Charging in PDR districts, as specified in the recently approved ordinance (i.e., if the existing use is a Private Parking Lot or Vehicle Storage Lot, except for PDR-1-B) and ensure that Fleet Charging uses that displace PDR uses are subject to a PDR replacement requirement. Conditionally allow Fleet Charging with proposed criterion 2 in some use districts, as specified in the recently approved ordinance.
3. Add new Planning Code requirements for Fleet Charging
 - Prohibit new curb cuts on protected pedestrian, cycling, and transit-oriented street frontages
 - Require some projects to prepare and implement a driveway and loading operations plan
4. After additional study, update the Transportation Sustainability Fee (TSF) to include impact fee categories for “Fleet Charging” and “Parcel Delivery Service”.

The duplicated file did not progress following the transmittal of the Planning Commission’s recommendations, and the matter was filed due to inactivity in July 2023.

¹ [Board File No. 220036](#)

The definitions and controls adopted per the EV Charging Locations Ordinance [Ord. 190-22], without the modifications proposed under the duplicate ordinance, are operative today. The Ordinance now being considered by the Commission is limited in scope, proposing only to remove the provision allowing the principal permitting of Fleet Charging in PDR Districts.

Issues and Considerations

Fleet Charging and Other Automotive Land Use Types

As opposed to EV Charging Locations, which are retail uses open to the general public, Fleet Charging facilities exclusively serve commercial or institutional vehicular fleets. Notably, in addition to more traditional fleet types, Fleet Charging applies to autonomous vehicle (AV) fleets, which present novel opportunities and challenges. The uncertainties surrounding the impacts of AV fleets on our streets, pedestrian safety, and adjacent communities support a more conservative approach to the permitting of Fleet Charging locations.

As opposed to EV Charging Locations, which are retail uses open to the general public, Fleet Charging facilities exclusively serve commercial or institutional vehicular fleets.

Although their physical development may be similar, Fleet Charging is distinguished from Parking Lots and Garages by the relatively rapid turnover of vehicles. Fleet Charging facilities are intended to have vehicles exit once charging is complete rather than remaining parked for an indefinite period. Turning a Parking Lot for traditional vehicles into a Fleet Charging station has the advantage of reducing emissions from gas-powered engines and improving air quality; however, the conversion will also increase the number and frequency of vehicle trips to and from the site, with potential negative impacts on pedestrian safety and congestion. Additionally, electric vehicles, especially larger ones, generate unregulated emissions, such as particulate matter from tires, brakes, and clutch wear.

Consistency of Implementation

In creating the controls for Fleet Charging, the City's policy makers chose to require a Conditional Use authorization for Fleet Charging in all zoning districts where the use is allowed. They crafted one limited exception, which will be eliminated under the subject Ordinance (*Principally Permitting conversions of Private Parking and Vehicle Storage Lots to Fleet Charging in certain PDR districts*). Although the Commission has previously supported principally permitting Fleet Charging in PDR districts, removing the exception would close a loophole in the existing controls and ensure a consistent degree of consideration for all Fleet Charging projects.

Within PDR districts (except for PDR-1-B) it is currently procedurally possible to establish a Fleet Charging use by filing two over the counter permits in sequence, circumventing the Conditional Use authorization process.

When the allowance for principal permitting of Fleet Charging was added to the controls, it was assumed to apply to a fixed pool of known sites. However, Vehicle Storage Lot is a principally permitted use in PDR districts (except for PDR-1-B). Therefore, it is currently procedurally possible to establish a Fleet Charging use by filing two over the counter permits in sequence – one establishing a Vehicle Storage Lot and a second converting to Fleet Charging – thus circumventing the Conditional Use authorization process.

General Plan Compliance

The proposed ordinance is consistent with policies in both the Transportation Element (Policies 1.2 and 1.3) and the Commerce and Industry Element (Policies 1.1 and 2.1). While allowing for new commercial activity, the proposed changes extend appropriate controls over the establishment of new intensive auto oriented facilities.

Racial and Social Equity Analysis

The locations where Fleet Charging is principally permitted are restricted to PDR districts, which are located in the eastern and southeastern parts of the City. These areas are also home to historically marginalized and vulnerable populations. Although converting petroleum-based automotive uses to electric vehicles would reduce exposure to air pollution generated by gas engines, Fleet Charging is also an intensive use. The increased activity can negatively affect congestion and pedestrian safety, while still contributing to unregulated emissions, such as particulate matter from tires, brakes, and clutch wear.

Applications to establish Fleet Charging uses may still concentrate in PDR districts due to the availability and suitability of sites; however, the proposed ordinance would ensure that each application is evaluated for its equity impacts, both within the context of individual sites and larger patterns of application geography.

Implementation

The Department has determined that this ordinance will improve our current implementation procedures by creating a standardized review process with a consistent degree of scrutiny for all Fleet Charging projects.

Recommendation

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The proposed Ordinance would not change the zoning districts where Fleet Charging is an allowed use. As an intensive land use, Fleet Charging facilities may be appropriately placed in PDR districts, which are already developed with heavy industry and Automotive Uses serving petroleum-based vehicles and fleets. However, concentrating their location in vulnerable population areas absent the oversight available through the CUA process raises geographic equity and environmental justice concerns. The proposed change applies to a limited number of sites and importantly closes a potential procedural loophole. Requiring a Conditional Use authorization for Fleet Charging in all cases would create a uniform approval process, with a consistent degree of scrutiny applied, for all Fleet Charging projects.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has received one letter in opposition to the proposed ordinance from the Chamber of Progress, a tech industry trade association.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 231080
- Exhibit C: Public Comment Letters


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: October 25, 2023
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 231080
Planning Code - Fleet Charging

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 Ordinance / Resolution
 Ballot Measure
- Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
10/31/20223 
- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 General Plan Planning Code, Section 101.1 Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 Landmark (*Planning Code, Section 1004.3*)
 Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 Mills Act Contract (*Government Code, Section 50280*)
 Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.



MYRNA MELGAR

DATE: February 21, 2024

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

mm

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, February 27, 2024, as Committee Reports:

- | | |
|------------------------|---|
| File No. 231080 | Planning Code - Fleet Charging
Sponsors: Peskin; Chan |
| File No. 231223 | Planning Code - Parcel Delivery Service
Sponsor: Chan |
| File No. 240132 | Supporting California State Senate Bill No. 915 (Cortese) – The Autonomous Vehicle Service Deployment and Data Transparency Act Sponsors: Chan; Peskin |

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, February 26, 2024, at 1:30 p.m.

From: [Carroll, John \(BOS\)](#)
To: [Romic Aevaz](#); [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#)
Cc: [Khoo, Arthur \(BOS\)](#); noah.garcia@evgo.com; Priscilla.Hamilton@evgo.com
Subject: FW: EV Charging Coalition Comments on File #231080
Date: Monday, January 22, 2024 9:23:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[File 231080 - EV Coalition Letter.pdf](#)
[image006.png](#)

Thank you for your comment letter.

I am forwarding your comments to the members of the LUT committee, and I will include your comments in the file for this ordinance matter.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 231080](#)

John Carroll

Assistant Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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From: Romic Aevaz <Romic.Aevaz@evgo.com>

Sent: Friday, January 19, 2024 3:24 PM

To: Carroll, John (BOS) <john.carroll@sfgov.org>; Khoo, Arthur (BOS) <arthur.khoo@sfgov.org>

Cc: Noah Garcia <noah.garcia@evgo.com>; Priscilla Hamilton <Priscilla.Hamilton@evgo.com>

Subject: EV Charging Coalition Comments on File #231080

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll,

On behalf of EVgo and the undersigned coalition of charging providers, clean transportation advocates, and local stakeholders, I am submitting the attached comment letter regarding proposed amendments to zoning requirements currently governing fleet charging (File #231080).

Thank you,

Romic

Romic Aevaz

Associate, Market Development and Public Policy



January 19, 2024

San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94012

RE: File #231080 Fleet Charging Code Amendment and CUA Exemptions

Dear Members of the Board of Supervisors,

We, the undersigned coalition of electric vehicle (EV) charging providers, clean transportation advocates, and local stakeholders are writing to respectfully express our opposition to File #231080, a proposal to remove existing Conditional Use Authorization (CUA) exemptions for fleet charging in PDR zoning districts. If enacted, these proposed restrictions would set a harmful precedent that would undermine San Francisco's transportation electrification goals, disproportionately impact the ability of small fleets to electrify, and place the city at a disadvantage relative to peer jurisdictions. We respectfully urge the Board of Supervisors to retain the existing CUA exemptions for fleet charging, and instead pursue consensus-driven amendments that remove obstacles to fleet electrification while ensuring staff oversight and analysis of fleet charging operations over time.

An October 2020 charging needs study commissioned by the City of San Francisco found that significant levels of dedicated fast charging for fleets, in addition to public fast chargers, are necessary to meet the City's goal of 100% vehicle electrification by 2040.¹ Moreover, in April 2023, the California Air Resources Board passed the Advanced Clean Fleets rule, a landmark regulation that requires private and public fleets across the state to transition to zero-emission vehicles – including electric vehicles (EVs).² Removing existing CUA exemptions for all fleet charging sites in the PDR would be a significant step backwards for fleet electrification in San Francisco, and represents a stark departure from the intent of existing CUA exemptions for converting private parking uses to fleet charging.³

It is important to acknowledge that the current exemption, often mischaracterized as a loophole, was introduced by Supervisor Peskin during the Land Use Committee meeting on July 18, 2022. This exemption was a welcome addition to the fleet charging ordinance by providing predictability for charging providers, who made commitments and acquired real estate well before the introduction of the fleet charging ordinance, while rightly reserving CUA requirements for cases where PDR uses are being displaced.

For much of 2023, there had been a collaborative effort between EV charging providers, private fleets, and Planning staff to develop a consensus approach to regulating fleet charging. These discussions aimed to balance city oversight with predictable entitlement pathways for EV charging providers. Re-imposing CUA requirements on fleet charging uses would undermine the progress on consensus

¹ <https://theicct.org/wp-content/uploads/2021/06/SF-EV-charging-infra-oct2020.pdf>

² <https://ww2.arb.ca.gov/news/california-approves-groundbreaking-regulation-accelerates-deployment-heavy-duty-zevs-protect>

³ See Footnote 24 in Section 210.3 of the Planning Code principally permitting fleet charging “where existing use is a Private Parking Lot or Vehicle Storage”

solutions made by staff and unduly jeopardize the city’s ability to meet established, fast-approaching City and state electrification goals.

Further restrictions on fleet charging would adversely affect all fleet electrification efforts in San Francisco. While some fleets can utilize public charging stations for occasional charging needs, most will not electrify without access to dedicated charging infrastructure – access that would be significantly curtailed by this proposed amendment.

We appreciate your attention to this matter and remain hopeful for a positive resolution that ensures that San Francisco can remain on track to meet its electrification and broader climate goals.

Sincerely,



From: [Carroll, John \(BOS\)](#)
To: [Kristian Corby](#)
Cc: [Khoo, Arthur \(BOS\)](#); [Laura Renger](#); [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#)
Subject: RE: CalETC's Comment on File #231080
Date: Friday, January 19, 2024 11:07:00 AM
Attachments: [CalETC Comments on File #231080 Fleet Charging Code Amendment and CUA Exemptions Final.pdf](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Thank you for your comment letter.

I am forwarding your comments to the members of the LUT committee, and I will include your comments in the file for this ordinance matter.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

- [Board of Supervisors File No. 231080](#)

John Carroll
Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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From: Kristian Corby <Kristian@caletc.com>
Sent: Thursday, January 18, 2024 2:34 PM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Cc: Khoo, Arthur (BOS) <arthur.khoo@sfgov.org>; Laura Renger <laura@caletc.com>
Subject: CalETC's Comment on File #231080

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Dear Mr. Carroll,

On behalf of the California Electric Transportation Coalition, we submit the attached comment letter to File #231080. Thank you very much for your consideration. If you have any questions do not hesitate to contact me.

Best regards,

Kristian C. Corby
Deputy Executive Director
California Electric Transportation Coalition
1015 K Street, Suite 200, Sacramento, CA 95814
Mobile – (414) 322-3230
kristian@caletc.com / www.caletc.com





January 18, 2024

San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94012

Re: File #231080 Fleet Charging Code Amendment and CUA Exemptions

Dear Members of the Board of Supervisors,

The California Electric Transportation Coalition (CalETC) is writing to express concern regarding File #231080 and the proposal to remove existing Conditional Use Authorization (CUA) exemptions for fleet charging in production, distribution, and repair (PDR) zones.

CalETC supports and advocates for the transition to a zero-emission transportation future to spur economic growth, fuel diversity and energy independence, contribute to clean air, and combat climate change. CalETC is a non-profit association committed to the successful introduction and large-scale deployment of all forms of electric transportation. Our Board of Directors includes representatives from: Los Angeles Department of Water and Power, Pacific Gas and Electric, Sacramento Municipal Utility District, San Diego Gas and Electric, Southern California Edison, Southern California Public Power Authority, and the Northern California Power Agency. In addition to electric utilities, our membership includes major automakers, manufacturers of zero-emission trucks and buses, electric vehicle charging providers, autonomous electric vehicle fleet operators, and other industry leaders supporting transportation electrification.

The City of San Francisco and the State of California have set ambitious goals to transition away from fossil fuels and toward electric vehicles. The City has a goal of 100% vehicle electrification by 2040.¹ California has goals to deploy 1.5 million zero-emission vehicles (ZEVs) and 250,000 EV charging stations, including 10,000 DC fast chargers by 2025.² California also has a goal of deploying 5 million zero-emission vehicles by 2030,³ which will require even further scale-up of the charging infrastructure for electric vehicles. Governor Newsom's Executive Order N-79-20 sets a goal of having 100 percent of new passenger cars and trucks be zero-emission by 2035, and where

¹ See *City Charging Infrastructure Needs to Reach 100% Electric Vehicles: The Case of San Francisco*, October 2020, available at <https://theicct.org/wp-content/uploads/2021/06/SF-EV-charging-infra-oct2020.pdf>.

² Former Governor Edmund G. Brown Jr. Executive Order B-16-2012 set the goal of placing 1.5 million zero-emission vehicles on California's roads by 2025. Former Governor Edmund G. Brown's Executive Order B-48-18 set the goal of 250,000 electric vehicle charging stations, including 10,000 DCFC charging stations, by 2025.

³ Former Governor Edmund G. Brown Jr. Executive Order B-48-18 set the goal of 5 million zero-emission vehicles on California's roads by 2030.

San Francisco Board of Supervisors

January 18, 2024

Re: CalETC Comment re File #231080 Fleet Charging Code Amendment and CUA Exemptions

Page 2

feasible, all medium- and heavy-duty vehicles by 2045 and drayage trucks by 2035.⁴ The California Air Resources Board adopted the Advanced Clean Trucks and Advanced Clean Fleets Regulations, which will require truck manufacturers to sell and drayage fleets, publicly owned fleets, and privately owned fleets to purchase zero emission trucks at an accelerated pace. These goals and regulations require the state to rapidly increase the amount of both publicly available charging and private fleet charging infrastructure.

CalETC is concerned that removing existing Conditional Use Authorization (CUA) exemptions for fleet charging in PDR zones will create a significant barrier to deploying fleet charging at a time when we need to accelerate the transition to zero-emission vehicles. Requiring CUA in every instance creates uncertainty, complexity, increased costs, and delays for EV charging projects and can, in some cases, be so burdensome that a CUA will kill the project. A number of CalETC's members have expressed concerns regarding CUAs in both light-duty and medium- and heavy-duty charging deployments. CalETC recommends the City consider balancing the burden of the CUA process with the need to rapidly expand charging for fleets, consider which areas within the City would be best suited for EV fleet charging, and allow CUA exemptions in those limited areas. This type of permit streamlining is critical to ensure we can meet our ambitious zero-emission vehicle goals, breathe clean air, and prevent the worst impacts of climate change.

Thank you for your consideration of our comments. Please do not hesitate to contact me at kristian@caletc.com if you have any questions.

Kind regards,

A handwritten signature in blue ink, appearing to read 'K. Corby', with a long horizontal flourish extending to the right.

Kristian Corby, Deputy Executive Director
California Electric Transportation Coalition

⁴ Governor Gavin Newsom Executive Order N-79-20, available at <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>.

From: [Board of Supervisors \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [Carroll, John \(BOS\)](#); [BOS-Operations](#)
Subject: FW: Teamster Letter Re: Fleet Charging Legislation
Date: Monday, October 30, 2023 4:53:59 PM
Attachments: [Fleet Charging Letter.pdf](#)

Hello,

Please see attached for communication from Teamsters Local Union No. 665 regarding File No. 231080.

File No. 231080 - Planning Code - Fleet Charging (Peskin, Chan).

Sincerely,

Joe Adkins
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Phone: (415) 554-5184 | Fax: (415) 554-5163
board.of.supervisors@sfgov.org | www.sfbos.org

From: Mark Gleason <mark@norcallabor.com>
Sent: Monday, October 30, 2023 3:23 PM
To: Hillis, Rich (CPC) <rich.hillis@sfgov.org>
Cc: Preston, Dean (BOS) <dean.preston@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Dennis-Phillips, Sarah (ECN) <sarah.dennis-phillips@sfgov.org>; Taupier, Anne (ECN) <anne.taupier@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Braun, Derek (CPC) <derek.braun@sfgov.org>; Diamond, Sue (CPC) <sue.diamond@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Ruiz, Gabriella (CPC) <gabriella.ruiz@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; boardofappeal@sfgov.org; ZAMORA, LUIS (CAT) <Luis.A.Zamora@sfcityatty.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Engardio, Joel (BOS) <joel.engardio@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>
Subject: Teamster Letter Re: Fleet Charging Legislation

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Please find the attached letter.



TEAMSTERS LOCAL UNION No. 665

AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS
& TEAMSTERS JOINT COUNCIL No. 7

Tony Delorio
Principal Officer
Secretary-Treasurer

Michael Yates
President
Business Agent

Florencio Sinogui
Vice President
Business Agent

Juan Gallo
Recording Secretary
Business Agent

Robin Terrell
Trustee

Will Thomsen
Trustee

Arthur Hilmoie
Trustee

Joe Matekel
Business Agent

Mark Malouf
Business Agent

Tom Woods
Business Agent

Peggy Condori
Member Services

Jennifer Godsey
Office Manager
Bookkeeper

Carla Wong
Titan Operator

David Svoboda
Titan Operator

October 30, 2023

Rich Hillis

Director of Planning

San Francisco Planning Dept.

SENT VIA EMAIL: rich.hillis@sfgov.org

Dear Mr. Hillis:

As you are aware Board of Supervisor's President Aaron Peskin has introduced legislation intended to amend the Planning Code to require Conditional Use authorization prior to converting Private Parking and Vehicle Storage Lots in PDR districts for Fleet Charging.

This loophole was created unintentionally. Allowing companies to exploit the loophole to create Fleet Charging uses without a CUA goes against the intent of the original legislation.

Our Trade Union strongly supports this legislation. The introduction of this Ordinance follows the Planning Department allowing the use of this loophole several times since the creation passing of the initial legislation. The loophole has been used at multiple sites including:

- 485 Irwin Street
- 140 14th Street
- 241 Loomis Street

Considering the recent history of Conditional Use fleet charging violations in PDR districts, and in anticipation of pending legislative remediation, the Teamsters call on the Planning Department to pause all processing of applications on sites attempting to use this loophole while Supervisor Peskin's legislation to close it makes it's way through the legislative process.

Thank you for your consideration of our position.

Tony Delorio

Principal Officer

Teamsters Local Union No. 665





TEAMSTERS LOCAL UNION No. 665

AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS
& TEAMSTERS JOINT COUNCIL No. 7

Tony Delorio
Principal Officer
Secretary-Treasurer

CC

Michael Yates
President
Business Agent

Mayor London Breed
City Attorney David Chiu
Board of Supervisors
Planning Commission

Florencio Sinogui
Vice President
Business Agent

Board of Appeals
Department of Building Inspection Director Patrick O'Riordan
Office of Economic and Workforce Development Executive Director Sarah Dennis
Phillips

Juan Gallo
Recording Secretary
Business Agent

Office of Economic and Workforce Development Director of Joint Development Anne
Taupier

Robin Terrell
Trustee

Planning Chief of Staff Daniel Sider
Zoning Administrator Corey Teague

Will Thomsen
Trustee

Arthur Hilmoe
Trustee

Joe Matekel
Business Agent

Mark Malouf
Business Agent

Tom Woods
Business Agent

Peggy Condori
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Jennifer Godsey
Office Manager
Bookkeeper

Carla Wong
Titan Operator

David Svoboda
Titan Operator

Main Office



Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: